

IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF PENNSYLVANIA

DONALD MICHAEL OUTLAW,	:	CIVIL ACTION
<i>Plaintiff,</i>	:	
	:	
v.	:	
	:	
CITY OF PHILADELPHIA,	:	
JEFFREY PIREE and HOWARD	:	
PETERMAN, in their individual capacities,	:	
<i>Defendants.</i>	:	NO. 21-1290
	:	

**ORDER**

**AND NOW**, this 6<sup>th</sup> day of August 2021, upon consideration of Defendants' Partial Motion to Dismiss (ECF No. 9), Plaintiff's Response (ECF No. 11), Defendants' Reply (ECF No. 12), and for reasons explained in the accompanying memorandum, it is hereby ORDERED that Defendants' Motion (ECF No. 9) is **GRANTED** as follows:

1. Count I is dismissed to the extent it relies on the Fourteenth Amendment;
2. Count II is dismissed to the extent it relies on theories of withholding of evidence and deliberately failing to conduct a constitutionally adequate investigation;
3. Count IV is dismissed; and
4. Count V is dismissed to the extent it arises out of other claims dismissed by this Order.

Dismissal is **WITHOUT PREJUDICE** in the event the governing law on qualified immunity or other issues changes.

Defendants shall answer on or by August 20, 2021.

**BY THE COURT**

/s/ Chad F. Kenney

**\_ CHAD F. KENNEY, JUDGE**